

To Whom it May Concern,

Two priority bills introduced to the Michigan legislature, House Bill 5187/5188, support listing firearm retail businesses as essential in the event of future emergency declarations. Because I am unable to attend the hearings in person, I wanted to write and share several observations from the COVID shutdown for your consideration.

To help you understand our position, let me offer a brief overview of what it was like trying to sell a broad range of sporting goods, especially firearms, throughout the COVID pandemic.

As news of the Covid-19 virus discovery and its spread across the nation into Michigan gained in frequency and intensity, we experienced a very significant rise in sales of products that would be needed should a worst case scenario become reality. Everything from sleep bags, dehydrated food and propane to home security and self-defense were in unprecedented demand. In particular, the sale of firearms and ammunition created exponentially more stress on our resources and procedures due to the required compliance with State and Federal laws associated with those products.

The demands became so overwhelming that we voluntarily closed our doors to the public to assess, develop and implement more efficient systems to manage the increase in customer traffic, the demand for firearm-related products and the sluggish process of completing State and Federal forms while maintaining compliance. This occurred four days prior to the Governor announcing the mandatory shutdown of all non-essential businesses. Not being included on the essential business list kept us closed and unavailable to the public from mid-March to mid-May.

One of the key points of consideration I wish to share happened as the crisis began, prior to us closing our doors. I personally witnessed countless new and unseemingly firearm customers wanting to purchase home defense firearms and ammunition due to the uncertain and unstable state of the world. Many of those customers shared the sentiment that law enforcement might not be able to protect them, or even respond, in the case of personal attacks or home invasion. Many of these folks had little to no working knowledge of firearms but were determined to take measures to protect themselves and their families. Because we take the time to ensure every customer has a basic understanding of the safety and functionality of their firearm before leaving our store, this added a significant time demand to an already sluggish background check process. Additionally, the increase of firearm purchases and the complex nature of the process created an overload to the NICS background check system and caused

extended delays. This forced countless customers to make return trips to our store to complete their transaction once they were cleared with an approved background check. Without going into detail on how that system works, I'll just say that it makes it very challenging for Jay's and the customer, especially those that drive a long distance, to complete one transaction. Once we were deemed non-essential and subsequently shut down, those customers had that option of safety and security eliminated.

During the initial closure, we had family members and key staff attempt to answer incoming phone calls. Of the fraction of the calls we could get to, the overwhelming majority were requesting products for safety and protection. Eventually we were forced to abandon answering the telephones completely because we simply had no way to help those calling.

While we were shut down, we took significant steps and devoted considerable resources to modify the physical layout and space devoted to processing firearm transactions. We wanted to be sure that when we were able to reopen, we would be in a better position to effectively manage any increase in traffic and transactions. We had no way of anticipating the increase in volume that would hit given the other issues coupled with COVID.

We were very fortunate to have the resources and key leaders in our business to keep several critical functions working, which leads me to my second point of emphasis in supporting firearm retailers as essential businesses. Our Federal Firearm License requires numerous compliance points, one of which requires response to trace requests within 24-hours. That Bureau of Alcohol, Tobacco & Firearms (BATF) made no exemptions with regard to the COVID pandemic or shutdown to this or any other compliance requirement. These traces are fundamental for law enforcement agencies in tracing firearms used in crimes and provide information from where the firearm came and to whom it was disposed. It also requests a copy of the completed 4473 form, which is produced for each firearm disposed from our license.

Additionally, we kept our receiving department operational for incoming goods. Our license also requires all firearms shipped to us to be accounted for within 24 hours. We felt a significant responsibility to ensure all firearms destined to our store not be left on loading docks or idle trucks creating a significant risk to public safety.

There are several other situations that warrant sharing, but those few examples best highlight factors which many people don't consider when determining a business as essential but aptly illustrate just how

critical our business is to the public when presented with unprecedented and uncertain circumstances like we have experienced with COVID.

Thank you for your time and consideration.

Sincerely,

**Jeff Poet**  
President – Jay's Sporting Goods